

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 225C.36, the Department of Human Services proposes to amend Chapter 184, "Individual and Family Direct Support," Iowa Administrative Code.

This amendment conforms the rules of the Family Support Subsidy Program to legislative changes enacted in 2008 Iowa Acts, Senate File 2425, section 114. The legislation provides that when a family support subsidy is terminated because the disabled person reaches the age of 18, the subsidy shall not be continued while the person's parent or guardian appeals the determination. In many situations, Department rules do allow assistance to be continued after a negative action, pending an appeal decision settling a dispute about the Department's findings of fact or conclusions of law. Under this amendment, the policy on continuation of assistance will not apply in this specific circumstance.

This amendment does not provide for waivers in specified situations because the Department does not have the authority to waive statutory provisions.

Any interested person may make written comments on the proposed amendment on or before September 17, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 225C.40 as amended by 2008 Iowa Acts, Senate File 2425, section 114.

The following amendment is proposed.

Amend rule 441—184.9(225C) as follows:

441—184.9(225C) Appeals. The parent or legal guardian of the child may appeal a denial of an application or termination of the subsidy payment pursuant to 441—Chapter 7. EXCEPTION: When the parent or guardian appeals the termination of benefits for a child who has attained the age of 18 or who will attain the age of 18 during the appeal, subsidy payments shall not be paid during the appeal after the child has turned 18. If there is a final decision in favor of the parent or legal guardian, subsidy payments shall be made consistent with the ruling.